

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MICHAEL RIVLIN,**

Plaintiff,

v.

**ZIMMER BIOMET, et al.,**

Defendants.

**CIVIL ACTION**

**NO. 19-1497-KSM**

**ORDER**

**AND NOW** this 23rd day of July, 2021, upon consideration of Defendants' Motion to Strike Plaintiff's Expert Marc Fruchter (Doc. No. 26), Plaintiff's opposition brief (Doc. No. 29), Defendants' reply brief (Doc. No. 31), and the arguments and testimony presented during the Daubert hearing on July 14, 2021, it is **ORDERED** that the motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Fruchter's assertions about the likelihood of CAT in the Great Lakes region in the winter and the pilots' failure to properly consider PIREPs are **STRICKEN**.

2. Fruchter's opinion that Lintz failed to follow the procedures outlined in the Airplane Flight Manual is **STRICKEN**.

3 The remainder of Defendants' motion is **DENIED**.

**IT IS SO ORDERED.**

*/s/Karen Spencer Marston*

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KAREN SPENCER MARSTON, J.